
Public Utilities Commission of the State of South Dakota

| DATE | MEMORANDA |
|----------|--|
| 12/11/00 | Filed and Docketed; |
| 12/14/00 | Ready for filing; |
| 1/10/01 | After granting approval of an exception to the ^{Service Secretary} less signed ^{attest} attest ; |
| 1/10/01 | Docket Closed. |



Southeastern Electric Cooperative, Inc.

PO Box 388 • 501 South Broadway Avenue • Marion, SD 57043-0388
Telephone: 605-648-3619 • Facsimile: 605-648-3778 • E-mail sec@sunrisenet.com

LL00-035
Alcester Office
PO Box 105
605 SD Highway 11
Alcester, SD 57001-0105
Telephone: 605-934-1961
Facsimile: 605-934-1964
Toll-Free in SD: 1-800-333-2859

December 7, 2000

William Bullard, Executive Director
South Dakota Public Utilities Commission
State Capitol
Pierre, SD 57501-5070

Dear Mr. Bullard:

Recently Southeastern Electric Cooperative, Inc. (SEC) received a request for electric service from Mr. Dennis Kurtz of Tripp, SD. His request is for electric service to a storage shed being constructed in the northwest quarter of Section 8, Range 60 West, Township 97 North, Hutchinson County. This is SEC's service territory as established by our Territorial Agreement with NorthWestern Corporation, the neighboring power supplier.

In order for SEC to provide electric service to this location, a line extension of approximately $\frac{1}{4}$ of a mile would be required. NorthWestern has facilities within 50 feet of the proposed storage shed. Mr. Kurtz was informed of the situation and was agreeable to receiving service from NorthWestern if an exception to the assigned areas could be obtained from the PUC. A copy of a letter from Mr. Kurtz is included for your review.

We have enclosed a copy of the "Exception to Service on Assigned Areas" signed by both SEC and NorthWestern indicating our agreement regarding electric service to this location. We believe that this exception meets the factors as outlined in SDCL 49-34A-55. As a result, we would like to request formal approval by the South Dakota Public Utilities Commission on this matter. Given the fact that all parties are in agreement, we can not foresee any difficulties and look forward to hearing from you in the near future.

If you have any questions about this exception or the materials provided with this letter, please feel free to give me a call.

Sincerely,

Brad Schardin
General Manager

Enclosures

RECEIVED

DEC 11 2000

**SOUTH DAKOTA PUBLIC
UTILITIES COMMISSION**



EXCEPTION TO SERVICE ON ASSIGNED AREAS

As Agreed To Between

Southeastern Electric Cooperative, Inc.
PO Box 388, 501 S. Broadway Ave.
Marion, South Dakota 57043-0388

And

Northwestern Corporation
600 Market St. W.
Huron, South Dakota 57350

Southeastern Electric Cooperative, Inc. (SEC) has assigned territorial rights to provide electric service to an area west Highway 37A in the Northwest Quarter of Section 8, Range 60 West, Township 97 North, Hutchinson County.

Under the conditions of this agreement, SEC does hereby consent that Northwestern Corporation may extend its facilities into the above described service area of SEC to provide electric service for a storage shed.

This release is specifically limited to said storage shed and is for the life of the structure.

This consent is not to be construed as having any impact upon or indicating a desire to change the service areas assigned by the South Dakota Public Utilities Commission. This agreement becomes effective upon its approval by the South Dakota Public Utilities Commission.

The foregoing is hereby made this 1st day of December 2000.

Southeastern Electric Cooperative, Inc.

By:

Bradley J. Schuderi

Its:

Manager

We have reviewed the consent of SEC for the undersigned to provide electric service under the provisions set forth therein and hereby indicate our concurrence with the consent granted to provide said storage shed with the required electric service.

Northwestern Corporation

By:

Glen Glen

Its:

VP + COO

Nov 29, 2000

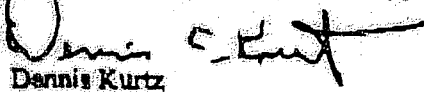
Ronald E. Globke
Southeastern Electric Coop. Inc.
501 South Broadway
Marion SD 57043

Dear Ron,

Per our phone conversation on Nov. 28, 2000 I understand that you are releasing my building site at Tripp SD (NW 1/4 Sec 8 Tsp. 97 Rge. 60) to be served by Northwestern Corp.

I also understand that this release is for this building only and does not change the territorial boundaries of Southeastern Electric Coop. or Northwestern Corp. in any way.

Thank you for your attention to this matter.


Dennis Kurtz

South Dakota Public Utilities Commission
WEEKLY FILINGS
For the Period of December 7, 2000 through December 13, 2000

If you need a complete copy of a filing faxed, overnight expressed, or mailed to you, please contact Delaine Kolbo within five business days of this filing. Phone: 605-773-3705 Fax: 605-773-3809

CONSUMER COMPLAINTS

CT00-113 In the Matter of the Complaint filed by FSST Social Services, Flandreau, South Dakota, against Ionex Communications North, Inc. Regarding Poor Service.

The Complainant indicates that Ionex did not provide services as requested. The Complainant requests imposition of penalties.

Staff Analyst: Leni Healy
Staff Attorney: Kelly Frazier
Date Docketed: 12/11/00
Intervention Deadline: N/A

CT00-114 In the Matter of the Complaint filed by FSST Social Services, Flandreau, South Dakota, against MCI WorldCom Regarding Unauthorized Switching of Services.

The Complainant indicates that MCI WorldCom was not authorized to provide telecommunications services to FSST Social Services. The Complainant requests imposition of penalties.

Staff Analyst: Leni Healy
Staff Attorney: Kelly Frazier
Date Docketed: 12/11/00
Intervention Deadline: N/A

CT00-115 In the Matter of the Complaint filed by FSST Social Services, Flandreau, South Dakota, against Telecom*USA Regarding Unauthorized Switching of Services.

The Complainant indicates that Telecom*USA was not authorized to provide telecommunications services to FSST Social Services. The Complainant requests imposition of penalties.

Staff Analyst: Leni Healy
Staff Attorney: Kelly Frazier
Date Docketed: 12/11/00
Intervention Deadline: N/A

ELECTRIC

EL00-035 In the Matter of the Joint Request for Electric Service Territory Exception between Southeastern Electric Cooperative, Inc. and NorthWestern Corporation.

On December 11, 2000, Southeastern Electric Cooperative and NorthWestern Corporation filed a joint request for a service territory exception for service to a storage shed located in the northwest quarter of Section 8, Range 60 West, Township 97 North in Hutchinson County. The customer is constructing a storage shed and in order for SEC to provide electric service a line extension of approximately 1/4 of a mile would be required. NorthWestern has facilities within 50 feet of the proposed storage shed.

Staff Analyst: Michele Farris
Staff Attorney: Kelly Frazier
Date Docketed: 12/11/00
Intervention Deadline: 12/29/00

NATURAL GAS

**NG00-009 In the Matter of the Filing by MidAmerican Energy Company for Approval of
Tariff Revisions**

MidAmerican Energy Company (MidAmerican) filed revised Sales and Gas Transportation Tariff sheets with the Commission on December 11. MidAmerican is proposing changes in the areas of Curtailment, Group Balancing and Late Nomination - Rescheduling Service Fee, Short Critical Day Penalty, Waiver of Penalties, Change from "BTU Daily Gas Wire" to "Gas Daily" Index, and Optional Daily Balance Service. The proposed changes are anticipated to have a minimal impact on the company's revenue. A Customer Notice letter explaining the changes will be provided as an insert within customers' bills in January 2001. The company is requesting an effective date of February 1, 2001.

Staff Analyst: Heather Forney
Staff Attorney: Kelly Frazier
Date Docketed: 12/11/00
Intervention Deadline: 12/29/00

TELECOMMUNICATIONS

**TC00-199 In the Matter of the Application of KMC Telecom V, Inc. for a Certificate of
Authority to Provide Interexchange Telecommunications Services and Local
Exchange Services in South Dakota.**

KMC Telecom V, Inc. is seeking a Certificate of Authority to provide intrastate interexchange telecommunication services and local exchange services in South Dakota. The applicant intends to provide a full range of 1+ interexchange services including MTS, private line, WATS, toll free, ISDN and frame relay services through resale and also intends to operate as a resold and facilities-based local exchange services provider of high-speed data transmission services to customers to and from all points in the state of South Dakota in all areas approved for service by competitive local exchange carriers.

**TC00-200 In the Matter of the Application of Access One, Inc. for a Certificate of
Authority to Provide Interexchange Telecommunications Services in South
Dakota.**

Access One, Inc. is seeking a Certificate of Authority to provide intraLATA and interLATA interexchange service in the state of South Dakota. Access One, Inc. proposes to resell dedicated toll free, calling card and directory assistance services.

Staff Analyst: Dave Jacobson
Staff Attorney: Kelly Frazier
Date Docketed: 12/11/00
Intervention Deadline: 12/29/00

**In the Matter of the Application of NOW Communications of South Dakota, Inc.
for a Certificate of Authority to Provide Interexchange Telecommunications
Services and Local Exchange Services in South Dakota.**

NOW Communications of South Dakota is seeking a Certificate of Authority to provide intrastate interexchange and local exchange telecommunication services in South Dakota. The applicant intends to provide basic local exchange services on a resale basis in Qwest's service territory and intends to resell long distance services from major facilities-based carriers.

Staff Analyst: Keith Senger

Staff Attorney: Kelly Frazier

Date Docketed: 12/12/00

Intervention Deadline: 12/29/00

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You may subscribe or unsubscribe to the PUC mailing lists at <http://www.state.sd.us/puc/>

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

| | |
|---|--|
| IN THE MATTER OF THE JOINT REQUEST) FOR ELECTRIC SERVICE TERRITORY) EXCEPTION BETWEEN SOUTHEASTERN) ELECTRIC COOPERATIVE, INC. AND) NORTHWESTERN CORPORATION)) | ORDER GRANTING APPROVAL OF AN EXCEPTION TO THE ASSIGNED ELECTRIC SERVICE TERRITORY EL00-035 |
|---|--|

On December 11, 2000, the Public Utilities Commission (Commission) received a joint request from Southeastern Electric Cooperative, Inc. (SEC) and NorthWestern Corporation (NorthWestern) seeking approval of an agreement for a service rights exception. The purpose of the filing was to seek Commission approval for an exception to the existing electric service territorial agreement. According to the application, "Southeastern Electric Cooperative, Inc. (SEC) has assigned territorial rights to provide electric service to an area west Highway 37A in the Northwest Quarter of Section 8, Range 60 West, Township 97 North, Hutchinson County. Under the conditions of this agreement, SEC does hereby consent that NorthWestern Corporation may extend its facilities into the above described service area of SEC to provide electric service for a storage shed."

SEC and NorthWestern have entered into an agreement entitled "Exception to Service on Assigned Areas" dated December 1, 2000, and have filed the same with a signature of consent signed by Dennis Kurtz, the affected customer, concurring with the territorial transfer.

On January 4, 2001, at its regularly scheduled meeting, the Commission considered the matter. Commission Staff recommended approval of the joint request.

The Commission finds that it has jurisdiction over this matter pursuant to SDCL 49-34A, specifically, 49-34A-4, 49-34A-42, and 49-34A-55. Further, the Commission finds that the service rights transfer is in the public interest and the request shall be granted. As the Commission's final decision in this matter, it is therefore

ORDERED, that the joint request seeking approval of service rights transfer is hereby granted.

Dated at Pierre, South Dakota, this 10th day of January, 2001.

| |
|--|
| CERTIFICATE OF SERVICE |
| The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon. |
| Signed by <u>Alaine Kelbo</u> |
| Date <u>1/12/01</u> |
| (OFFICIAL SEAL) |

BY ORDER OF THE COMMISSION:


JAMES A. BURG, Chairman


PAM NELSON, Commissioner


LASKA SCHOENFELDER, Commissioner

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

| | |
|---|----------------------------|
| IN THE MATTER OF THE FILING BY BLACK) | ORDER GRANTING |
| HILLS FIBERCOM, L.L.C. FOR APPROVAL OF) | PETITION FOR WAIVER |
| ITS INTRASTATE SWITCHED ACCESS TARIFF) | AND APPROVING |
| AND FOR AN EXEMPTION FROM) | STIPULATION AND |
| DEVELOPING COMPANY SPECIFIC COST-) | AGREEMENT |
| BASED SWITCHED ACCESS RATES) | |

TC00-190

On November 22, 2000, the Public Utilities Commission (Commission) received a filing from Black Hills FiberCom, L.L.C. (FiberCom) for approval of its intrastate switched access tariff and for an exemption from developing company specific cost-based switched access rates. The tariff filing is a concurrence in the rates, terms and conditions of the current LECA Tariff No. 1, with the exception of the switched access rates which are based on a statewide average. The company is also requesting that the Commission exempt it from the requirement to develop intrastate switched access rates based on company specific costs. The company is requesting an effective date of November 22, 2000.

On November 23, 2000, the Commission electronically transmitted notice of the filing and the intervention deadline of December 8, 2000, to interested individuals and entities. Qwest Corporation (Qwest) filed a Petition for Leave to Intervene on December 6, 2000. At its regularly scheduled meeting of December 12, 2000, the Commission granted intervention to Qwest. On January 16, 2001, the Commission received a Motion for Continuance and Affidavit of Counsel from FiberCom. On October 1, 2001, the Commission received a revised switched access tariff from FiberCom. On October 1, 2001, the Commission received a Stipulation and Agreement to Settle Docket No. TC00-190.

The Commission has jurisdiction in this matter pursuant to SDCL Chapters 49-31, specifically 49-31-18 and 49-31-19 and ARSD Chapters 20:10:27 through 20:10:29, inclusive.

On October 10, 2001, the Commission considered FiberCom's request for approval of its intrastate switched access tariff no. 1 and a waiver from establishing switched access rates based on company specific costs. The Commission also considered the Stipulation and Agreement. The Commission voted to grant the petition for exemption from developing company specific cost-based switched access rates pursuant to ARSD 20:10:27:11. The Commission also granted FiberCom's request to waive ARSD 20:10:27:12 pursuant to ARSD 20:10:27:02. The Commission approved FiberCom's intrastate switched access tariff no. 1 as set forth in the Stipulation and Agreement. The Commission also voted to approve the Stipulation and Agreement, effective October 10, 2001, attached hereto as Exhibit A. The Commission further ordered that FiberCom, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based rates. The Commission voted to grant the petition for exemption as conditioned herein and approve the tariff. It is therefore

ORDERED, that FiberCom's petition to be exempt from establishing company specific cost-based switched access rates is granted and its intrastate switched access tariff no. 1, as amended, is approved; and it is further

ORDERED, that FiberCom shall, within three years of the date of this Order, file a petition to continue the exemption granted in this proceeding or file cost-based intrastate switched access rates; and it is further

ORDERED, that the Stipulation and Agreement is approved, effective October 10, 2001.

Dated at Pierre, South Dakota, this 18th day of October, 2001.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.

By: _____

Date: _____

(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

JAMES A. BURG, Chairman

PAM NELSON, Commissioner